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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/985, 141 12/03/92 KATSURA

K 501-26967R00

020457 LM02/1012  
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EXAMINER

7 TMMERMANN, M

ART UNIT	PAPER NUMBER
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UNITED STATES DEPARTMENT OF COMMERCE  
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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Paper No. 39

Application Number: 07/985,141

Filing Date: Dec. 3, 1992

Appellant(s): Katsura et al.

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Carl I. Brundidge  
For Appellant

**SUPPLEMENTAL EXAMINER'S ANSWER**

This is in response to appellant's brief on appeal filed January 8, 1999, appellant's reply brief filed May 24, 1999, and the board's remand to the examiner mailed June 23, 1999.

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The examiner apologizes for having cited an older version of 37 CFR 1.175. The current version is cited below with the pertinent portions being underlined.

37 CFR § 1.175 Reissue oath or declaration.

- (a) The reissue oath or declaration in addition to complying with the requirements of § 1.63, must also state that:
  - (1) The applicant believes the original patent to be wholly or partly inoperative or invalid by reason of a defective specification or drawing, or by reason of the patentee claiming more or less than the patentee had the right to claim in the patent, stating at least one error being relied upon as the basis for reissue; and
  - (2) All errors being corrected in the reissue application up to the time of filing of the oath or declaration under this paragraph arose without any deceptive intention on the part of the applicant.
- (b) (1) For any error corrected, which is not covered by the oath or declaration submitted under paragraph (a) of this section, applicant must submit a supplemental oath or declaration stating that every such error arose without any deceptive intention on the part of the applicant. Any supplemental oath or declaration required by this paragraph must be submitted before allowance and may be submitted:
  - (I) With any amendment prior to allowance; or
  - (ii) In order to overcome a rejection under 35 U.S.C. 251 made by the examiner where it is indicated that the submission of a supplemental oath or declaration as required by this paragraph will overcome the rejection.
- (2) For any error sought to be corrected after allowance, a supplemental oath or declaration must accompany the requested correction stating that the error(s) to be corrected arose without any deceptive intention on the part of the applicant.
- (c) Having once stated an error upon which the reissue is based, as set forth in paragraph (a)(1), unless all errors previously stated in the oath or declaration are no longer being corrected, a subsequent oath or declaration under paragraph (b) of this section need not specifically identify any other error or errors being corrected.
- (d) The oath or declaration required by paragraph (a) of this section may be submitted under the provisions of § 1.53(f).

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[24 FR 10332, Dec. 22, 1959; 29 FR 18503, Dec. 29, 1964; 34 FR 18857, Nov. 26, 1969; para. (a), 47 FR 21752, May 19, 1982, effective July 1, 1982; para. (a), 48 FR 2713, Jan. 20, 1983, effective Feb. 27, 1983; para. (a)(7), 57 FR 2021, Jan. 17, 1992, effective Mar. 16, 1992; revised, 62 FR 53131, Oct. 10, 1997, effective Dec. 1, 1997]

The questions that need to be decided are:

- 1) What error has applicant stated as the basis for reissue?; and
- 2) Is the stated error being corrected by any of the present claims?

**What error has applicant stated as the basis for reissue?**

The pertinent portion of the supplemental reissue declaration reads as follows:

"Specifically, the error occurred due to the fact that the claims could have been broadened to more simply recite that the invention provides "a first bus having M lines interconnecting a memory and a memory controller and a second bus having N lines interconnecting data processor and the memory controller, wherein N and M are integers and N is greater than M, and that the memory controller transfers M bits of data to and from the memory in a time shared fashion and transfers N bits of data in parallel to and from the data processor."

The examiner has interpreted this to mean that applicant felt entitled to a claim as broad as that listed above. More specifically, the plain language suggests that applicant wanted a claim directed to a memory controller that required only the limitations quoted above.

**Is the stated error being corrected by any of the present claims?**

Claim 44 is representative of the current claims and is reproduced below. The underlined portions show limitations not identified in the declarations.

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Claim 44. A graphic processing apparatus comprising:  
a memory for storing graphic data;  
a data processor for executing a predetermined graphic processing to generate graphic data to be stored in said memory;  
output means for outputting said graphic data read out from said memory;  
a memory controller for controlling data transfer between said memory and said data processor in accordance with a request from said data processor;  
a first bus having  $m$  (wherein  $m$  is an integer) bits width, connected between said memory and said memory controller, for transferring  $m$  bits of data in parallel; and a second bus having  $n$  (wherein  $n$  is an integer,  $n > m$ ) bits width, connected between said memory controller and said data processor, for transferring  $n$  bits of data in parallel;  
wherein said memory controller comprises:  
a storage for temporarily storing graphic data read out from said memory in successive groups of  $m$  bits of data during a predetermined period of time through said first bus,  
means for forming  $n$  bits of data using said successive groups of  $m$  bits of data and supplying said  $n$  bits of data in parallel to said data processor through said second bus based on a indication from said data processor, and a converter for converting said graphic data temporarily stored in said storage into serial data which is provided to said output means based on a indication from said data processor.

Claim 47 is similar to claim 44. Claim 57 is also similar to claim 44 and also adds a “means for reading out a plurality of graphic data at different column addresses at a same row address from said memory means”. Claim 59 includes “at least one bit terminal connected to said display means” and a “second converting means for converting said data of plural sets of  $m$  bits via said  $m$ -bit terminals into said serial data”. Claim 63 includes “converting means for converting said graphic data temporarily stored in said storage into serial data which is supplied to output means, said output means outputs graphic data read from said memory based on an indication from said processor.

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As shown above, none of the present claims are as broad as what applicants states is required to correct the error. Because none of the claims are directed to an invention that is “simply” the limitations listed in the supplemental declaration, applicant has failed to specifically identify an error that is a valid basis for the present reissue claims.

### **Suggestion**

The examiner has indicated in the examiner’s answer (page 11), that had applicant stated the error in terms of claimed limitations that were not required, the declaration would have been sufficient. For example, applicant could have stated the error as “the claims where unduly limited to a memory using row and column addressing”. This error is corrected by at least claim 44.

### **Conclusion**

The examiner maintains the rejection under 35 USC 251 based upon the reissue oath or declaration being defective because it fails to state an error that is the basis for the reissue application (the stated error is not being corrected and therefore is not a valid basis for this reissue application).

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



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PRIMARY EXAMINER

MZ

October 11, 1999

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